

IN THE MONTANA NINTH JUDICIAL DISTRICT COURT
TOOLE COUNTY

~~In the United States District Court
for the Great Falls Division~~

FILED

FEB 20 2014

Thomas Gates,
Plaintiff,
vs.
Benefis of Great Falls,
Crossroads Correction Center,
Marias Medical Center,
Montana Department of
Corrections,
Defendant(s).

Complaint

Civil Action: DU-13-065

Clerk U.S. District Court
District Of Montana
Great Falls

Jury Trial Demanded

CV-14-07-6F-BMM **FILED**

RKS

SEP 25 2013

[Signature]
CLERK

DEPUTY

Here comes the Plaintiff, pro se, Thomas Gates, for their complaint state as follows:

Plaintiff, Thomas Gates, was confined in the Regional prison, Crossroads Correctional Center, located at 50 Crossroads Dr. in Shelby, Montana from Aug 1st 2012 to SEPT 2013 / CURRENTLY Being an adult citizen of the United States and a resident of the state of Montana.

The Defendant, Marias Medical Center, of Toole County was the provider of emergency medical care for the Toole County area thus including the Plaintiff, Thomas Gates.

The Defendant, Montana Department of Corrections, of the state of Montana, who was given charge over the Plaintiff, Thomas Gates, in a sentence to be met by the state laws.

The Defendant, Crossroads Correctional Center (aka: CCA and CCC) was contracted by and for Montana Department of Corrections, to act as conveyer of sentence in stay of Montana Department of Corrections.

This action arises under and is brought pursuant to 42 U.S.C. Section 1983 to remedy the deprivation, under color of state law, rights guaranteed by the Eighth and Fourteenth Amendments of the United States Constitution. This Court has jurisdiction over this action pursuant to 28 U.S.C. Sections 1331 and 1343. Plaintiffs claims for injunctive relief are authorized by Rule 65 of the Federal Rules of Civil Procedure. This cause of action arose in the United States District of Great Falls Division. Therefore, venue is proper under 28 U.S.C. Section 1391(b).

Plaintiff has filed no other lawsuits dealing with the same facts involved in this action or otherwise relating to his imprisonment.

STATEMENT OF FACTS

On December 21, 2012, at approximately 1115 in cell C-115 in Crossroads Correctional Center of Shelby Montana, the Plaintiff was climbing down from his upper bunk and missed the stool(seat of table) below and landed at an angle which resulted in completely snapping both the Tibia and Fibia of the left leg. His Cell Mate at the time was Jeremy Ward(AO#)-Witnessed the event pressed the call button to get emergency help. The Plaintiff crawled out of the cell and was transfered to the Centers Medical facility in fifteen minutes or so. He was then taken to Marias Medical Cener by Ambulance (see Video of C Pod-to be submitted as exhibit #1)

Captain Worshing and C.O. Thornton rode with me to the medical center and were witness to the events that took place

in the emergency room (see witness statements-exhibits #2 and 3).

Upon arrival two X-rays were taken under the name of "Gate" not the Plaintiff's name of "Gates". Then was talked to by the ER Physician about being air lifted to Benefis Medical in Great Falls. The ER Doctor received a call on his cell phone, the Plaintiff was led to believe due to the up coming holiday there was no surgeons available for the needed surgery. He was then given a shot of Demerol, the leg wrapped (not set), and an appointment for a couple of weeks after the holiday. He was placed in Medical Lock Down for seventeen days. The Plaintiff repeatedly stated needs of speaking to the Crossroads Correctional Center Doctor Gianarelli, who did not speak with the Plaintiff about his course of treatment. The Plaintiff was given a ten MG of Hydrocodone six times a day for two weeks. After a few days the Staff quit answering the Plaintiffs needs (ie; needing water, emptying urinal, and adjusting pillow under injured leg). The Plaintiff had no bowel movement for nine days, until a Nurse gave him a "Liquid Draino" of sorts (Name and prescribed medical information in records-see exhibit #4 T. Gates Medical File).

During the week prior to the Plaintiffs Doctor Consultation at Benefis in Great Falls he suffered the "most excruciating pain I've ever suffed in 43 years of living". He was experiencing extreme muscle spasms and possibly nerve damage in cycles that were documented. Two different Nurses came into the Medical Lock-Down room and pulled on the leg to help relieve the pain and to interrupt the spasms he was experiencing. Nurse Crawford and Lawson(or Larson) were on a night shift and they were baffled at the seriousness of the Plaintiffs lack of medical care and did not

know what they could do.

On January 6, 2013 at approximately 2300 a night nurse told the Plaintiff "no water or food after midnight. You are scheduled for surgery tomorrow."

On January 7, 2013 the Plaintiff was transported in shackles and chains (in leg irons), while the break is visible though thick bandages from the side of his leg.

At Benefis Medical in Great Falls in a Dr. Lucketts office there was no X-rays for "Thomas Gates". We were all puzzled at this time.

(On January 14, 2013 P.A Rosts at Crossroads Correctional Center met with the Plaintiff. The Plaintiff then asked about the first X-rays. Rosts had a Nurse call Marias Medical Center where it was discovered that everything was under "Thomas Gate", those X-rays were sent and the massive break in both bones was clear to everyone.)

The Plaintiff was asked a number of questions about his history of alcohol use, smoking, and past surgeries. Dr. Luckett and the Plaintiff agreed that surgery would be okay and most advisable. Dr. Luckett called Crossroads Correctional Center for authorization, because the need of staying overnight in the hospital. Dr. Luckett returned to his office and told his assistant to cast it in a full thigh cast for six weeks. The Doctor and staff of his office appeared in dis-belief of what they were told to do.

When the Plaintiff was returned to Crossroad Correctional Center he was given a broken wheelchair (the front wheel bearings were broken) that would not roll correctly, so he could not go to

the dining room without assistance, thus being pushed for four months by inmate Monte Houseman (without pay). Crossroads Correctional Center denied the Plaintiff a pusher (as policy at Montana State Prison).

The Plaintiff returned to Dr. Lockett's office after six weeks and was X-rayed and told it would be four more weeks. The next visit more X-rays and was told it would be six more weeks. During this time the Plaintiff suffered pain, on a growing level, to his hips and lower back. Which the Crossroads Correctional Center refused to address or correct.

After sixteen weeks in the thigh cast the cast was removed and x-rays were taken, the tibia and fibia were not lined up as bones are supposed to be, nor was it healing as well as Dr. Lockett would have liked it to. The Plaintiff was placed in a boot cast and a walking shoe (which was a few sizes to large for him).

The Plaintiff was instructed to walk and put as much weight as he could stand. After eight weeks more the Plaintiff was returned to Dr. Lockett's office after complaining about a sore developing on the inside of the cast. The cast was removed, there was visiable drainage from a open sore on the calf that had started to heal. A nurse cleaned the sore and the drainage and the Doctor said "It's still not healed, it may need surgery".

Dr. Lockett agreed to re-cast while the Plaintiff request a walking boot instead of a cast due to the many problems from the cast.

Grounds for Relief

The Defendant's, Crossroads Corrections Center (AKA:CCA and CCC), Benefis of Great Falls, Marias Medical Center, and Montana Department of Corrections being responsible for the Plaintiffs well being, and necessities of life (ie: Medical care, and Medical treatment) acted in neglect in their actions by disregarding the Plaintiffs need for proper medical care, physical therapy, maintaining proper medical records (under H.E.P.A. act), attending to the Plaintiffs safety/welfare, and acted in violation of the Hippocratic oath by Dr.'s Luckett and Gianrelli in Deliberate Indifference.

Relief

The Plaintiff hereby ask this court to reward in his favor in the following:

\$800.00 a day for Cruel and Unusal Punishment
against Benefis of Great Falls, Marias Medical
Center, and Crossroads Correction Center-
Medical center;
\$100.00 a day for violation of the H.E.P.A. act
against Marias Medical Center and Crossroads
Corrections Center- Medical center;
\$600.00 a day Pain and Suffering against Benefis
of Great Falls, Crossroads Correction Center,
and Montana Department of Corrections;
\$750,000 for Medical Malpractice towards Benefis
of Great Falls, and Marias Medical Center;
\$1,000,000 for Deliberate Indifference against

Crossroads Correction Center and Montana Department
of Corrections;

\$300 a day Mental Anguish against Crossroads

Correction Center, Benefis of Great Falls, Marias

Medical Center, and Montana Department of Corrections;

(These monies to be awarded after determination of
independent Medical Professional that the Plaintiff
can go on to physical therapy without damaging his
leg more)

\$12,000 for Physical Rehabilitation(therapy) of leg,
hip, and back(two years Treatment) to be paid
directly to a independant rehabilitation center;

Signed this 8th day of August, 2013.
Tom E. Gates

[Plaintiff]

I declare under penalty of perjury that the foregoing is true and
correct.

Tom E. Gates

[Plaintiff]

8/8/2013

Date

Signed Before me by Thomas Gates on 8/8/2013,
Sherill Powell-Balsley
Notary Public

